

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL NO. 1:10-CV-159**

SOCIEDAD ESPANOLA DE	)	
ELECTROMEDICINA Y	)	
CALIDAD, S.A.	)	
	)	
Plaintiff	)	
	)	
	)	<b>JOINT CLAIM CONSTRUCTION</b>
	)	<b>CHART</b>
v.	)	
BLUE RIDGE X-RAY COMPANY, INC.,	)	
DRGEM USA, Inc., and	)	
DRGEM CORP.	)	
	)	
Defendants.	)	
	)	

Pursuant to Patent Rule (“P.R.”) 4.3 and the Court’s July 18, 2011 Order (Docket No. 41), plaintiff Sociedad Española De Electromedicina y Calidad, S.A. (“Sedecal”) and defendants Blue Ridge X-Ray Company, Inc., DRGEM USA, Inc., and DRGEM Corporation (collectively “Defendants”) hereby submit this Joint Claim Construction Chart regarding U.S. Patent No. 6,642,829 (“the ‘829 patent”).

  
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David S. Cayer  
United States Magistrate Judge



## Claim 1

CLAIM TERMS	SEDECAL'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION	COURT'S CONSTRUCTION
A high voltage transformer having a plurality of elements for voltage transformers, said elements comprising:	N/A - term not in dispute		
a high voltage transforming means (1, 1'),	N/A - term not in dispute		
a rectifier (2, 2'),	N/A - term not in dispute		
a filter (3, 3'),	N/A - term not in dispute		
a resistive divider (4, 4),	N/A - term not in dispute		
<b>a high voltage switch (5, 5'),</b>	AGREED	AGREED	A high voltage connector receptacle such as an anode or cathode connector receptacle
a magnetic core (7, 7'),	N/A - term not in dispute		
a low voltage input (10),	N/A - term not in dispute		
wherein each rectifier, filter, resistive divider, high voltage switch, magnetic core, has a first end and a second end,	N/A - term not in dispute		
<b>each first end being connected to zero voltage level;</b>	AGREED	AGREED	Each first end of the rectifier, filter, resistive divider, high voltage switch, and magnetic core are electrically connected to the zero voltage level.

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
each second end being opposite to each first end; said rectifiers, filters, resistive dividers, high voltage switches, magnetic cores, are arranged in two differentiated groups,	N/A - term not in dispute		
a first group comprising positive voltage elements and	N/A - term not in dispute		
a second group comprising negative voltage elements;	N/A - term not in dispute		

CLAIM TERMS	SEDECAL'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION	COURT'S CONSTRUCTION
<b><u>the positive voltage elements are separated from the negative voltage elements by solid insulating means in two insulated chambers<sup>1</sup>:</u></b>	The first group of positive elements is electrically separated from the second group of negative voltage elements by a solid non-conductive insulating body into two electrically insulated compartments.	<p><b><u>“solid insulating means”</u></b></p> <p>This term is governed by 35 U.S.C. §112, ¶ 6 because it employs the word “means.” Under Federal Circuit law, “a claim term that contains the word “means” and recites a function is presumed to be drafted in means-plus-function format under 35 U.S.C. § 112, ¶ 6.” <u>Net MoneyIn, Inc. v. Verisign, Inc.</u>, 545 F.3d 1359, 1366 (Fed. Cir. 2008).</p> <p>Accordingly, the Court “must first determine the claimed function and then identify the corresponding structure in the written description of the patent that performs that function.” <u>Baran v. Medical Device Technologies, Inc.</u>, 616 F.3d 1309, 1316 (Fed. Cir. 2010).</p> <p>The claimed function is: insulating and separating the positive voltage elements from the negative voltage elements.</p> <p>The corresponding structure is: one solid insulating barrier as described and depicted in the ‘829 patent.</p> <p><b><u>“two insulated chambers”</u></b></p> <p>Two different chambers that are isolated and insulated from each other.</p>	

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<sup>1</sup> Sedecal submits this entire clause should be interpreted as one claim term, whereas Defendants assert that only the words underlined should be construed separately from the entire clause.

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
voltage towards the second end in each of said elements; progressively increases in the positive voltage elements and;	N/A - term not in dispute		
progressively decreases in the negative voltage elements; so that, at an equal distance from zero voltage level, the elements of each group have equipotential voltages.	N/A - term not in dispute		

## **Claim 2**

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
A high voltage transformer according to claim 1, wherein the progressive increase of voltage in the positive voltage elements and the progressive decrease of voltage in the negative voltage elements are both linear.	N/A - term not in dispute		

## **Claim 3**

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
A high voltage transformer according to claim 1, wherein the zero voltage level is located in an area where signals of the low voltage input are located.	N/A - term not in dispute		

## **Claim 4**

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
A high voltage transformer according to claim 3, wherein the zero voltage level is located at an upper side of the transformer.	N/A - term not in dispute		

## **Claim 5**

<b>CLAIM TERMS</b>	<b>SEDECAL'S PROPOSED CONSTRUCTION</b>	<b>DEFENDANTS' PROPOSED CONSTRUCTION</b>	<b>COURT'S CONSTRUCTION</b>
A high voltage transformer according to any of claims 1-3 or 4, wherein maximum level of potential is defined at lower ends of the high voltage switches.	N/A - term not in dispute		

## Claim 6

CLAIM TERMS	SEDECAL'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION	COURT'S CONSTRUCTION
A high voltage transformer according to claim 1, wherein the two groups are separated by a <b>single solid insulating means.</b>	One solid non-conductive insulator body	<p>This claim is invalid because it is duplicative of claim 1 as properly construed, and does not claim any subject matter patentably distinct from the “solid insulating means” of claim 1.</p> <p>If the Court decides to give this term an interpretation, then the term is governed by 35 U.S.C. § 112, ¶ 6, as explained above.</p> <p>The claimed function is: insulating and separating the positive group of voltage elements from the negative group of voltage elements.</p> <p>The corresponding structure is: one single solid insulating barrier as described and depicted in the ‘829 patent.</p>	

## Claim 7

CLAIM TERMS	SEDECAL'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION	COURT'S CONSTRUCTION
A high voltage transformer according to claim 1, further comprising <b>means for minimizing stray capacitances between the first group elements and the second group elements, by arranging said groups so that only a very small surface of the first group<sup>2</sup> is opposed to the second group.</b>	No construction needed – plain and ordinary meaning applies nor should these words be construed as being governed by 35 USC Section 112(6).	<p><b>"means for minimizing stray capacitances between the first group elements and the second group elements, by arranging said groups so that only a very small surface of the first group is opposed to the second group"</b></p> <p>Because it uses the word "means," this claim would be governed by 35 U.S.C. § 112, ¶ 6, as explained above, if it were valid.</p> <p>This claim is invalid and not amenable to any interpretation because the specification of the '829 patent fails to adequately describe any structure that performs the claimed function of "minimizing stray capacitances between the first group elements and the second group elements, by arranging said groups so that only a very small surface of the first group is opposed to the second group." This claim is also invalid under 35 U.S.C. § 112, ¶ 2.</p> <p>If the Court decides to give this term an interpretation, then it should be interpreted as follows:</p>	

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<sup>2</sup> "very small surface of the first group" is also separately identified by defendants as a claim term in dispute.

CLAIM TERMS	SEDECAL'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION	COURT'S CONSTRUCTION
		<p>The claimed function is: minimizing stray capacitances between the first group elements and the second group elements, by arranging said groups so that only a very small surface of the first group is opposed to the second group.</p> <p>The corresponding structure is: no structure is identified for performing this function.</p> <p><b>“very small surface of the first group”</b></p> <p>This term is invalid and not amenable to interpretation because it is indefinite in violation of 35 U.S.C. § 112, ¶ 2. A person of ordinary skill in the art could not reasonably discern the scope of what constitutes a “very small surface” of the first group.</p>	

Dated: November 20, 2012

Respectfully submitted,

By: /s/ Bradley J. Van Pelt

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